

# Attorney General Jennings Joins Lawsuit Opposing Trump Administration's Rule Allowing Prolonged Detention of Children

Attorney General Kathy Jennings today announced that she is joining a lawsuit opposing the Trump Administration's new rule circumventing the *Flores* Settlement Agreement, which has governed the treatment of children in immigration custody since 1997. In the complaint before the U.S. District Court for the Central District of California, the coalition argues that the rule eliminates several critical protections guaranteed by the *Flores* Settlement Agreement. In particular, the prolonged detention risked by the rule would cause irreparable harm to children, their families, and the California communities that accept them upon their release from federal custody.

"The federal government is detaining children in detestable living conditions," said Attorney General Jennings. "We have a moral and legal responsibility to ensure that children in our country's custody are safe, that they are treated humanely, and that they are detained no longer than necessary. This issue goes beyond party or politics: our treatment of children speaks to our values as a nation."

In the complaint, the coalition argues that the Trump Administration's final rule interferes with the states' ability to help ensure the health, safety, and welfare of children by undermining state licensing requirements for facilities where children are held. The rule would result in the vast expansion of family detention centers, which are not

state licensed facilities and have historically caused increased trauma in children. The rule will lead to prolonged detention for children with significant long-term negative health consequences. In addition, the Attorneys General argue the rule violates both the Administrative Procedure Act and the due process clause of the Fifth Amendment to the U.S. Constitution.

The *Flores* Settlement Agreement stems from a class action lawsuit filed before the U.S. District Court for the Central District of California in 1985 in response to substandard conditions of confinement for unaccompanied immigrant children. The lawsuit sought to establish standards for how the federal government should handle the detention of minors, including plaintiff Jenny Lisette Flores. In particular, the plaintiffs expressed significant concerns about the use of strip searches, forcing children to share living quarters and bathrooms with adults of the opposite sex, and that minors could not be released to non-guardian relatives, leading to prolonged and cruel detention of children. Following litigation that moved through the U.S. Ninth Circuit Court of Appeals and the U.S. Supreme Court, the federal government eventually reached a settlement with class counsel in 1997 resulting, among other things, in:

- Release of children “without unnecessary delay” to their parents, legal guardians, other adult relatives, another individual designated by the parents/guardians, or a licensed program willing to accept legal custody;
- Placing children in the “least restrictive setting” appropriate to the minor’s age and special needs; and
- Establishment of standards for safe and sanitary conditions of confinement for children in immigration detention.

Attorney General Jennings joins the Attorneys General of California, Massachusetts, Connecticut, Illinois, Maine, Maryland, Michigan, Minnesota, Nevada, New Jersey, New Mexico,

New York, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington, and the District of Columbia.

A copy of the lawsuit will be available online [here](#).